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August 11, 2009

Service via ECF

Hon. Dennis M. Cavanaugh, U.S.D.J.
United States District Court
U.S. P.O. & Courthouse Building
Federal Square
Newark, NJ 07101

Re: *Deborah Fellner, Individually and on Behalf of Those Similarly Situated v. Tri-Union Seafoods, L.L.C., d/b/a Chicken of the Sea*
Civil Action No.: 06-CV-688 (DMC)
Re: Pending Motion to Dismiss the Original Complaint and Response To Amended Complaint

Dear Judge Cavanaugh:

We represent defendant Tri-Union Seafoods, LLC d/b/a/ Chicken of the Sea ("Tri-Union") in the above matter.

At your Honor's request, Tri-Union respectfully withdraws its motion to dismiss plaintiff's initial Complaint without prejudice. As per the Court's directive, we will incorporate all arguments relative to the original Complaint and the Amended Complaint within Tri-Union's motion to dismiss plaintiff's Amended Complaint. We expect that the motion will be filed on or before August 31, 2009.

Respectfully submitted,



Kenneth A. Schoen
(KS-7180)

cc: Barry R. Eichen, Esq. (via regular mail and ECF)